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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re) Case No. 10-32164-E-13L
)
)
MICHAEL CAGER,)
)
Debtor.)
_____)
)
MICHAEL CAGER,) Adv. Pro. No. 11-2223-E
)
Plaintiff,) DCN: RAH-8
v.)
)
ONEWEST BANK, FSB, et al.)
)
Defendants.)
_____)

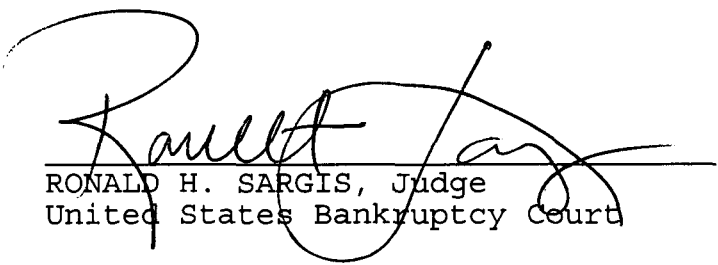
MEMORANDUM OPINION ON DEBTOR'S MOTION FOR LEAVE
TO FILE A FIRST AMENDED COMPLAINT

Michael Cager, the Debtor-Plaintiff, filed a complaint on April 5, 2011. Defendants OneWest Bank and Indymac filed a Motion to Dismiss on April 12, 2011. Plaintiff now seeks leave to file a first amended complaint. Pursuant to Federal Rule of Civil Procedure 15(a)(2), as made applicable to this adversary proceeding by Federal Rule of Bankruptcy Procedure 7015, Plaintiff could have filed a first amended complaint as a matter of course within 21 days after service of Defendant's Motion to Dismiss. As such, the

1 Motion for Leave to Amend could be denied as moot.

2 However, by filing the motion, the 21-day right to amended
3 period has expired. To afford Defendant his right to one amendment
4 as a matter of course, the motion is granted. The court has not
5 reviewed the proposed amended complaint and is not ruling on its
6 merits.

7 Dated: June 24, 2011

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9 RONALD H. SARGIS, Judge
10 United States Bankruptcy Court
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CERTIFICATE OF MAILING

The undersigned deputy clerk in the office of the United States Bankruptcy Court for the Eastern District of California hereby certifies that the attached document(s) was served by mail to the following entities listed at the address(es) shown below:

Service List:

Richard Hall
PO Box 237
Auburn, CA 95604

Michael Cager
4413 Winje Dr
Antelope, CA 95843

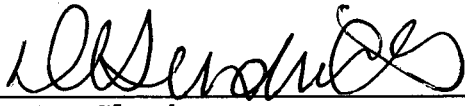
Yale Kim
515 S. Figueroa St., 9th Floor
Los Angeles, CA 90071

Lawrence Loheit
PO Box 1858
Sacramento, CA 95812-1858

Office of the U.S. Trustee
Robert T Matsui United States Courthouse
501 I Street, Room 7-500
Sacramento, CA 95814

DATE:

6/27/11


Deputy Clerk